

Article - Business Regulation

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§3–406.

(a) In this section, “workday” means a day that is not a Saturday, a Sunday, or a State holiday.

(b) If, after an inspection or investigation, the Commissioner finds that, within the immediately preceding 6 months, an amusement owner has violated this title or an order passed or regulation adopted under this title, the Commissioner promptly shall issue a citation to the amusement owner.

(c) Each citation shall:

(1) describe, in detail, the nature of the alleged violation;

(2) cite the provision of this title, order, or regulation that the amusement owner is alleged to have violated; and

(3) set a reasonable time for correction of the alleged violation.

(d) Within a reasonable time after issuance of a citation, the Commissioner shall send by certified mail to the amusement owner a notice that:

(1) states the proposed civil penalty, if any, that the Commissioner intends to impose under this title; and

(2) informs the amusement owner of the right to a hearing under this section.

(e) In accordance with any regulation that the Commissioner adopts under this title, an amusement owner who receives a citation shall post the citation or a copy of it conspicuously at or near each place where the citation alleges that a violation occurred.

(f) Within 15 workdays after an amusement owner receives a notice under subsection (d) of this section, the amusement owner may submit to the Commissioner a written request for a hearing on the citation or proposed civil penalty.

(g) Unless an amusement owner requests a hearing as provided in this section, a citation and a notice of a proposed civil penalty are final orders.

(h) After an opportunity for a hearing under this section, the Commissioner may pass an order that affirms or modifies a requirement of a citation for correction of a violation if the amusement owner shows that the amusement owner:

(1) has made a good faith effort to comply with the requirement; but

(2) has not complied because of a factor beyond the reasonable control of the amusement owner.

(i) An amusement owner shall correct each violation for which the Commissioner issues a citation within the time set for correction in a final order under this subtitle.

(j) If the Commissioner has reason to believe that an amusement owner has failed to correct a violation in a timely manner, the Commissioner shall send by certified mail to the amusement owner a notice that:

(1) states that the amusement owner has failed to correct the violation;

(2) states the proposed civil penalty, if any, that the Commissioner intends to impose under this title for the failure; and

(3) informs the amusement owner that, within 15 workdays after receipt of the notice, the amusement owner may submit to the Commissioner a written request for a hearing on the failure to correct the violation or proposed civil penalty.

(k) Unless an amusement owner requests a hearing as provided in this section, the notice, including any proposed civil penalty, is a final order.

(l) (1) Whenever the Commissioner receives a request for a hearing made in accordance with this section, the Commissioner shall hold a hearing.

(2) To the extent practicable, the hearing shall be held within 30 days after receipt of the request.

(m) The Commissioner shall give notice and hold the hearing under this section in accordance with Title 10, Subtitle 2 of the State Government Article.

(n) (1) If a hearing examiner or other officer is appointed to hold a hearing under this section, the officer shall prepare a record that includes testimony.

(2) The officer shall submit a report to the Commissioner and send a copy of the report to any amusement owner affected by the report.

(3) The report becomes final unless, within 10 workdays after the report, the amusement owner submits a written request for a review of the proceeding by the Commissioner.

(4) After a review of a proceeding under this subsection, with or without a hearing, the Commissioner shall pass an order based on findings of fact. The order shall affirm, modify, or vacate the citation or proposed civil penalty or direct other appropriate relief.

(5) An order of the Commissioner under paragraph (4) of this subsection is final 15 days after passage of the order.

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